

APPEAL NO. 020216
FILED MARCH 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 9, 2002. The issue before the hearing officer was:

Is the [respondent's (claimant)] left knee condition after _____ a continuation of the _____ injury or did the Claimant sustain a new injury on or about _____?

The hearing officer determined that the claimant's left knee condition after _____, was a continuation of the _____, compensable injury.

The appellant (carrier) appeals, asserting that the claimant sustained a new injury to a different portion of her left knee in a fall at the claimant's home on _____. The file does not contain a response from the claimant.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The parties stipulated that the claimant sustained a compensable left knee injury on _____. The claimant subsequently had three knee surgeries, the most recent being March 23, 2000. Although the parties stipulated that the claimant reached statutory maximum medical improvement (see Section 401.011(30)(B)) on May 8, 2000, the claimant clearly was receiving continued treatment and had continued left knee complaints after May 8, 2000. The claimant fell at home on _____, and the crux of the carrier's case is that the fall constitutes a new injury and that the claimant had failed to prove that her compensable injury was "the sole cause of her current left knee condition." (The carrier misstates the sole cause burden of proof, which is on the carrier to prove that the claimant's _____, fall was the sole cause of the claimant's current knee condition.) The claimant may need additional knee surgery. There was conflicting medical evidence and it is the hearing officer, who as the trier of fact, that is to resolve the conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FAIRMONT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BOB KNOWLES
5205 NORTH O'CONNOR BLVD.
IRVING, TEXAS 75039.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge